

TITLE XII
WASTE MANAGEMENT AUTHORITY

CHAPTER 209
LANDFILL ALTERNATIVES FINANCIAL ASSISTANCE PROGRAM

567—209.1(455B,455E) Goal. The goal of this program is to reduce the amount of solid waste being generated and the amount of solid waste being landfilled through implementation of solid waste management projects. This goal will be achieved utilizing the following hierarchy of waste management priorities in descending order of preference:

1. Waste reduction;
2. Recycling and reuse;
3. Combustion with energy recovery; and
4. Combustion for volume reduction.

567—209.2(455B,455E) Purpose. The purpose of this program is to provide financial assistance to eligible applicants for the purpose of implementing education programs and solid waste management projects, to achieve a reduction in solid waste generation and a reduction in solid waste landfilling. Projects receiving financial assistance must address the program's goal as described in 209.1(455B,455E).

567—209.3(455B,455E) Definitions.

"Applicant" means any unit of local government, public or private group, business or individual with an interest in or having responsibility for solid waste management in Iowa and is currently in compliance with all applicable department statutes and regulations.

"Cost share" means applicant's share of proposed eligible project costs.

"Demonstration project" means any project that is innovative or new to the state of Iowa.

"Department" means the Iowa department of natural resources.

"Eligible costs" means costs directly related to the project and for which financial assistance monies may be used.

"Eligible projects" means any project which, when implemented, will address a reduction in the amount of solid waste being generated or the amount of solid waste being landfilled.

"Energy recovery" means the direct conversion of solid wastes into useful process heat or electricity.

"Financial assistance" means monetary assistance awarded under these rules to an applicant in the form of grants or loans.

"Grants" means financial assistance in the form of cash payments to recipients.

"Groundwater protection Act" means Iowa Code chapter 455E, which sets forth laws pertaining to the protection of Iowa's groundwater resources through reduced disposal of solid wastes at landfills and provides financial assistance for this protection.

"Indirect costs" means costs that are not identifiable with a specific product, function, or activity.

"Loans" means an award of financial assistance with the requirement that the award be repaid.

"Overhead costs" means expenses not chargeable to a particular part of the work or product including, but not limited to, utilities, insurance, and rent.

"Recipient" means any applicant selected to receive financial assistance under these rules.

"Regionalization" means a project that involves two or more units of local government or public or private groups with an interest in or having responsibility for solid waste management in Iowa and through the cooperative provision of alternative solid waste management services, the project's impact

will have a positive influence on such factors as, including, but not limited to, operational efficiency, materials diversion, and population served.

“*Sanitary landfill*” means a permitted disposal site where solid waste is buried between layers of earth.

“*Waste management assistance*” means the waste management assistance division of the department of natural resources established by Iowa Code section 455B.483.

“*Waste reduction*” means practices which reduce, avoid, or eliminate the generation of solid waste at the source and not merely the shifting of a waste stream from one medium to another medium.

567—209.4(455B,455E) Role of the department of natural resources. The department is responsible for the administration of funds for projects receiving financial assistance under these rules. The department will ensure that funds disbursed meet guidelines established by the groundwater protection Act and the waste management authority Act.

567—209.5(455B,455E) Funding sources. The department will use funds appropriated by the legislature and other sources that may be obtained for the purpose of achieving the goals outlined in these rules. The department will ensure that moneys appropriated meet both federal and state guidelines pertaining to their use.

567—209.6(455B,455E) Eligible projects. The department may provide financial assistance to applicants for the following types of projects that are consistent with the goal and purpose of this program:

1. Public education;
2. Waste reduction;
3. Recycling and reuse;
4. Research and development;
5. Demonstration;
6. Market development for recyclable materials;
7. Projects that manufacture products with recycled content;
8. Environmental testing related to various landfill alternatives for solid waste. Such projects shall include, but are not limited to, testing air emissions generated by the combustion of municipal solid waste, analysis of the ash generated as a result of the combustion of municipal solid waste, analysis of alternative materials to be used in leachate control;
9. Production of energy through combustion, including production of tire-derived fuels and refuse-derived fuels; and
10. Combustion for volume reduction.

567—209.7(455B,455E) Type of financial assistance. The type of financial assistance offered to an applicant is dependent on the type of project and application submitted:

209.7(1) Grants will be offered to applicants for waste reduction projects; public education projects; research and development projects; and demonstration projects that are innovative or new to the state of Iowa.

209.7(2) Loans will be offered to applicants for all other eligible projects and may be offered to applicants requesting grant assistance.

567—209.8(455B,455E) Loans. The term of all loans, executed under these rules, shall vary on a case-by-case basis and shall be based on the specific capital costs financed, as well as the terms of other financing provided for the project. The written agreement will establish other conditions or terms needed to manage or implement the project.

567—209.9(455B,455E) Reduced award. The department reserves the right to offer financial assistance in an amount less than that requested by the applicant. In the event that financial assistance is offered that is less than the amount requested by an applicant, the applicant may be asked to document the impact on the proposed project. Reduced awards shall be offered where it has been determined by the department that:

209.9(1) Program resources are insufficient to provide the level of financial assistance requested to all applicants to which the department intends to offer financial assistance.

209.9(2) The applicant could implement the project at a reduced level of financial assistance and achieve project objectives and this program's goals.

567—209.10(455B,455E) Fund disbursement limitations. No funds shall be disbursed until the department has:

1. Determined the total estimated cost of the project;
2. Determined that financing for the cost share amount is ensured by the recipient;
3. Received final design plans from the recipient, if applicable;
4. Received commitments from the recipient to implement the project;
5. Executed a written agreement with the recipient; and
6. Determined that the recipient is currently in compliance with all applicable federal, state, and local statutes and regulations.

567—209.11(455B,455E) Minimum applicant cost share. An applicant for financial assistance shall agree to provide a minimum cost share of funds committed to the project. Financial assistance moneys received by the applicant under these rules or through the landfill alternatives grant program are ineligible to be utilized for any portion of the required applicant cost share. Minimum cost share of funds shall be in accordance with the following schedule:

209.11(1) Grants.

- a. Waste reduction—35 percent.
- b. Public education—35 percent.
- c. Research and development—35 percent.
- d. Demonstration—35 percent.

209.11(2) Loans.

- a. Recycling and reuse—35 percent.
- b. Combustion with energy recovery—50 percent.
- c. Combustion for volume reduction—60 percent.

567—209.12(455B,455E) Eligible costs. Applicants may request financial assistance in the implementation and operation of a project which includes, but is not limited to, funds for the purpose of:

1. Waste reduction equipment purchase and installation;
2. Collection, processing, or hauling equipment including labor for installation;
3. Development and distribution of educational materials;
4. Planning and implementation of educational forums including, but not limited to, workshops;
5. Materials and labor for construction or renovation of buildings;
6. Salaries directly related to implementation and operation of the project;
7. Laboratory analysis costs; and
8. Engineering or consulting fees.

567—209.13(455B,455E) Ineligible costs. Financial assistance shall not be provided or used for costs including, but not limited to, the following:

1. Taxes;

2. Vehicle registration;
3. Overhead expenses;
4. Indirect costs;
5. Legal costs;
6. Contingency funds;
7. Application preparation;
8. Contractual project administration;
9. Land acquisition;
10. Costs for which payment has or will be received under another federal, state or private financial assistance program; and
11. Costs incurred before a written agreement has been executed between the applicant and the department.

567—209.14(455B,455E) Selection criteria. To receive consideration under these rules, applications submitted to the department for financial assistance must be provided to the agency responsible for submitting an approved solid waste comprehensive plan or subsequent plan for agency review and comment. Responsible agency review and comments are required from the area in which the proposed project is located or the area or areas in which the proposed project will be implemented.

Separate selection criteria and separate application forms will be used to evaluate projects. The separate selection criteria are identified below for the four applications: education projects; waste volume reduction projects; research and development and demonstration projects; and projects eligible for loans as provided in 209.7(2). For each application type, points assigned to the selection criteria total 100 points. The department shall evaluate applications and applicants will be awarded financial assistance based on the following selection criteria:

209.14(1) Education project selection criteria.

a. Project planning, experience, and commitment. Previous planning efforts, experience of involved parties, other public education programs implemented or proposed, and commitment toward continuing the project after the grant (5 points);

b. Project compatibility and support. Documented consistency with local and regional solid waste comprehensive plans, responsible agency review and comment forms correctly completed and received, compatibility with existing and proposed solid waste management programs, the degree to which the proposed project reflects the state solid waste management hierarchy, and documented project support (20 points);

c. Project effectiveness. Project content, target audience representation, implementation methodology, project cost-effectiveness, and project uniqueness within the proposed project area (35 points);

d. Project impact. Long- and short-term goals, impact on solid waste generation and materials recovery, regionalization impact of the project, detailed discussion of project transferability, the method or methods proposed to disseminate information resulting from the project, and impact on existing solid waste management programs (30 points);

e. Project evaluation. Methodology to determine project success in achieving goals and objectives (10 points).

209.14(2) Waste reduction project selection criteria.

a. Project planning, experience, and commitment. Experience of involved parties in the planning and implementation of the proposed project, other waste reduction measures implemented or proposed by the applicant, and the extent to which the proposed project will continue after the grant (5 points);

b. Project compatibility and support. Documented consistency with local and regional solid waste comprehensive plans, responsible agency review and comment forms correctly completed and received, compatibility with existing and proposed solid waste management programs, the degree to

which the proposed project reflects the state solid waste management hierarchy, and documented project support (20 points);

c. Project impact. Impact on solid waste generation and solid waste landfilling, regionalization impact of the project, impact on existing solid waste management programs, impact on applicant and comprehensive planning area solid waste stream, and how soon the solid waste stream will be impacted (30 points);

d. Project effectiveness. Implementation methodology, project cost-effectiveness, and project uniqueness within the state (20 points);

e. Project evaluation. Methodology of determining project success in achieving identified goals and objectives (10 points);

f. Technical and economic feasibility and transferability. Describe the technological and economic feasibility of the proposed project, detailed discussion of project transferability, and the method or methods proposed to disseminate information resulting from the project (15 points).

209.14(3) Research and development and demonstration project selection criteria.

a. Project planning, experience, and commitment. Experience of involved parties in the planning and implementation of the proposed project and the extent to which the proposed project will continue after the grant (15 points);

b. Project compatibility and support. Documented consistency with local and regional solid waste comprehensive plans, responsible agency review and comment forms correctly completed and received, compatibility with existing and proposed solid waste management programs, the degree to which the proposed project reflects the state solid waste management hierarchy, and documented project support (15 points);

c. Project impact. Describe the impact on applicant and comprehensive planning area solid waste recovery and landfill diversion, regionalization impact of the project, the solid waste stream components affected, the potential for new market development, the impact on existing solid waste management programs and facilities, and how soon the solid waste stream will be impacted (30 points);

d. Project evaluation. Methodology of determining project success in achieving identified goals and objectives (10 points);

e. Technical and economic feasibility and project transferability. Describe the technological and economic feasibility of the proposed project, detailed discussion of project transferability, and the method or methods proposed to disseminate information resulting from the project (30 points).

209.14(4) Loan project selection criteria.

a. Project planning, experience, and commitment. Experience of involved parties in the planning and implementation of the proposed project and the extent to which the proposed project will continue after the grant (5 points);

b. Project compatibility and support. Documented consistency with local and regional solid waste comprehensive plans, responsible agency review and comment forms correctly completed and received, compatibility with existing and proposed solid waste management programs, the degree to which the proposed project reflects the state solid waste management hierarchy, and documented project support (20 points);

c. Project impact. Describe the impact on applicant and comprehensive planning area solid waste recovery and landfill diversion, regionalization impact of the project, the solid waste stream components affected, the potential for new market development and the impact on existing solid waste management programs and facilities, and how soon the solid waste stream will be impacted (30 points);

d. Project evaluation. Methodology of determining project success in achieving identified goals and objectives (10 points);

- e. Technical and economic feasibility and transferability.* Describe the technological and economic feasibility of the proposed project, detailed discussion of project transferability, and the method or methods proposed to disseminate information resulting from the project (20 points);
- f. Applicant's ability to repay.* Documented ability to repay the loan (15 points).

567—209.15(455B,455E) Written agreement. Recipients shall enter into a contract with the department for the purposes of implementing the project for which financial assistance has been awarded. The contract shall be signed by the department director, the administrator of the waste management assistance division, and the authorized officer of the recipient. In cases where the department has awarded a loan, the recipient will be required to make regularly scheduled installment payments to retire the loan as identified in the executed contract. The recipient will be required to submit periodic progress reports as identified in the executed contract. Progress reports are considered part of the public record. The department may terminate any contract and seek the return of any funds released under the contract for failure by the recipient to perform under the terms and conditions of the contract. Amendments to contracts may be adopted by written consent of the department director, the administrator of the waste management assistance division, and the authorized officer of the recipient.

567—209.16(455B,455E) Applications. Applicants shall submit applications on forms provided by the department. Applications will be due the first Monday in June and the first Monday in December each year at 4:30 p.m., unless otherwise designated by the waste management assistance division. Applications received by the waste management assistance division after the stated deadline will not be considered for funding during the current funding period, will not be retained for future consideration, and will not be returned to the applicant. It is the applicant's responsibility to resubmit a completed application for funding consideration during a subsequent funding period. Applications must be submitted on forms supplied by the department and applications submitted are considered part of the public record.

567—209.17(455B,455E) Financial assistance denial. An applicant may be denied financial assistance for any of the following reasons:

- 209.17(1)** Funds are insufficient to award financial assistance to all qualified applicants;
- 209.17(2)** The area in which the proposed project is located or the area or areas in which the proposed project will be implemented does not have an approved solid waste comprehensive plan, or if the area in which the proposed project is located or if the area or areas in which the proposed project will be implemented have not submitted a subsequent solid waste comprehensive plan by the assigned deadline, or if the area in which the proposed project is located or the area or areas in which the proposed project will be implemented has a landfill which is not legally permitted;
- 209.17(3)** An applicant does not meet the definition of "Applicant" as defined in 209.3(455B,455E);
- 209.17(4)** An applicant does not meet eligibility requirements pursuant to provisions of rules 209.8 (455B,455E) to 209.14(455B,455E);
- 209.17(5)** An applicant does not provide sufficient information requested in the application forms pursuant to rules 209.8(455B,455E) to 209.14(455B,455E);
- 209.17(6)** An applicant that has previously received a loan under these rules and is determined by the department to be delinquent in repaying the loan; and
- 209.17(7)** The project goals or scope is not consistent with rule 209.1(455B,455E), 209.2(455B,455E), 209.8 (455B,455E), 209.9(455B,455E), or 209.13(455B,455E).

These rules are intended to implement Iowa Code sections 455B.301A and 455E.11.

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